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9 UNITED STATES DISTRICT COURT

10 NORTHERN DISTRICT OF CALIFORNIA

11 SAN FRANCISCO DIVISION

12 GOOGLE LLC,

13 Plaintiff,

14 vs.

15 SONOS, INC.,

16 Defendant.

CASE NO. 3:20-cv-06754-WHA

Related to CASE NO. 3:21-cv-07559-WHA

**GOOGLE LLC'S ADMINISTRATIVE  
MOTION TO FILE UNDER SEAL  
PORTIONS OF ITS PATENT  
SHOWDOWN CORRECTED MOTION  
FOR SUMMARY JUDGMENT**

**I. INTRODUCTION**

Pursuant to Civil Local Rules 7-11 and 79-5, Plaintiff Google LLC (“Google”) hereby requests to file under seal portions of its Patent Showdown Corrected Motion for Summary Judgment (“Corrected Motion”). Specifically, Google requests an order granting leave to file under seal the portions of the documents listed below:

Document	Portions to Be Filed Under Seal	Designating Party
Google’s Corrected Motion	Portions highlighted in green	Google

**II. LEGAL STANDARD**

Civil Local Rule 79-5(c) provides that a party seeking to file its own documents under seal must file an administrative motion that articulates the applicable legal standard and reasons for keeping a document under seal, includes evidentiary support from a declaration where necessary, and provides a proposed order that is narrowly tailored to seal only the sealable material.

“Historically, courts have recognized a ‘general right to inspect and copy public records and documents, including judicial records and documents.’” *Kamakana v. City & Cty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006) (quoting *Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 597 & n.7 (1978)). Accordingly, when considering a sealing request, “a ‘strong presumption in favor of access’ is the starting point.” *Id.* (quoting *Foltz v. State Farm Mutual Auto. Insurance Company*, 331 F.3d 1122, 1135 (9th Cir. 2003)).

The Ninth Circuit has recognized that two different standards may apply to a request to seal a document – namely the “compelling reasons” standard or the “good cause” standard. *Blessing v. Plex Sys., Inc.*, No. 21-CV-05951-PJH, 2021 WL 6064006, at \*12 (N.D. Cal. Dec. 22, 2021) (citing *Ctr. For Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1096-97 (9th Cir. 2016)). The compelling reasons standard applies to any sealing request made in connection with a motion that is “more than tangentially related to the merits of a case.” *Id.* Accordingly, courts in this district apply a “compelling reasons” standard to a sealing request made in connection with a motion for summary judgment. *See, e.g., Edwards Lifesciences Corp. v. Meril Life Scis. Pvt. Ltd.*, No. 19-CV-

1 06593-HSG, 2021 WL 5233129, at \*4 (N.D. Cal. Nov. 10, 2021); *Baird v. BlackRock Institutional*  
 2 *Tr. Co., N.A.*, No. 17-CV-01892-HSG, 2021 WL 105619, at \*5 (N.D. Cal. Jan. 12, 2021).

### 3 **III. THE COURT SHOULD SEAL GOOGLE’S CONFIDENTIAL INFORMATION**

4 Material that is confidential and could harm a litigant’s competitive standing if disclosed  
 5 may be sealed under the compelling reasons standard. *Icon-IP Pty Ltd. v. Specialized Bicycle*  
 6 *Components, Inc.*, No. 12-cv-03844-JST2015 WL 984121, at \*2 (N.D. Cal. Mar. 4, 2015)  
 7 (information “is appropriately sealable under the ‘compelling reasons’ standard where that  
 8 information could be used to the company’s competitive disadvantage”); *In re Qualcomm Litig.*,  
 9 No. 3:17-CV-0108-GPC-MDD, 2017 WL 5176922, at \*2 (S.D. Cal. Nov. 8, 2017) (concluding that  
 10 “compelling reasons exist to seal . . . information subject to confidentiality and non-disclosure  
 11 provisions” because “[s]uch insight could harm the parties in future negotiations with existing  
 12 customers, third-parties, and other entities with whom they do business”);

13 Google’s Corrected Motion contains confidential information regarding highly sensitive  
 14 features of Google’s products. Specifically, these exhibits detail the operation and system design  
 15 of Google products and functionalities that Sonos accuses of infringement. Public disclosure of  
 16 these exhibits would harm the competitive standing Google has earned through years of innovation  
 17 and careful deliberation by revealing sensitive aspects of Google’s proprietary systems, strategies,  
 18 designs, and practices to Google’s competitors. Hefazi Decl. ¶ 4. A less restrictive alternative than  
 19 sealing these exhibits would not be sufficient because the information sought to be sealed is  
 20 Google’s proprietary and confidential business information but is integral to Google’s Corrected  
 21 Motion. *Id.* Thus, Google has compelling reasons to keep such information under seal. *See Delphix*  
 22 *Corp. v. Actifo, Inc.*, No. 13-cv-04613-BLF, 2014 WL 4145520, at \*2 (N.D. Cal. Aug. 20, 2014)  
 23 (finding compelling reasons to seal where court filings contained “highly sensitive information  
 24 regarding [an entity’s confidential] product architecture and development”); *Guzik Tech.*  
 25 *Enterprises, Inc. v. W. Digital Corp.*, No. 5:11-CV-03786-PSG, 2013 WL 6199629, at \*4 (N.D. Cal.  
 26 Nov. 27, 2013) (sealing exhibit containing “significant references to and discussion regarding the  
 27 technical features” of a litigant’s products).

### 28 **IV. CONCLUSION**

1 For the foregoing reasons, Google respectfully requests that the Court grant Google's  
2 Administrative Motion to File Portions of its Patent Showdown Corrected Motion for Summary  
3 Judgment Under Seal.

4  
5  
6 DATED: April 24, 2022

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7  
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**ATTESTATION**

Pursuant to the Federal Rules of Civil Procedure and Local Rule 5-1, I hereby certify that, on April 24, 2022, all counsel of record who have appeared in this case are being served with a copy of the foregoing via the Court's CM/ECF system and email.

DATED: April 24, 2022

By: /s/ Charles K. Verhoeven  
Charles K. Verhoeven